

66455-825-7



#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) PATENT
)
Paul J. Conroy et al.) Group Art Unit: 1772
)
Serial No. 09/355,635) Examiner: M. Miggins
)
Filed: August 2, 1999)
)
CEMENTITIOUS COMPOSITIONS AND)
THEIR USE IN CORROSION PROTECTION)

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* * * * *
REQUEST FOR WITHDRAWAL AND REISSUANCE
OF OFFICE ACTION

Washington, D.C.
December 11, 2001

Honorable Director of Patents
Washington, D.C. 20231

Sir:

The applicants have received the Office Action dated September 11, 2001 wherein the examiner has (1) repeated his restriction requirement between claims 1-19 (Group I invention) and claims 20-29 (Group II invention) and required affirmation of the oral election allegedly made (supposedly with traverse) of the Group II invention, (2) rejected claim 22 under 35 U.S.C. 112, (3) rejected claims 20, 21, 23-25 and 28 under 35 U.S.C. 102(b) as being anticipated by Heitzmann et al., and (4) rejected claims 20-29 under 35 U.S.C. 103(a) as being unpatentable over Heitzmann et al. in view of Allen et al.

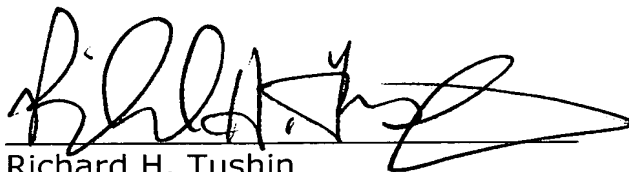
The undersigned, on behalf of the applicants, requests that the Office Action be withdrawn and reissued because at no time did the

undesignated orally elect claims 20-29 for examination. The undersigned received a telephone call from the examiner on June 4, 2001 asking for an oral election between claims 1-19 and 20-29, but the undersigned was unable to obtain instructions from the applicants and never returned the examiner's call. On August 15, 2001 the undersigned called the examiner to ask when a written restriction requirement would be issued, and the examiner replied that the application was in central files and he would have to retrieve it and determine what action was needed. On August 21 the examiner called the undersigned back and stated that he would issue a written restriction requirement. The result was the outstanding Office Action which states that the undersigned had at some point orally elected claims 20-29 (not true). The applicants are in fact interested in pursuing claims 1-19.

During a telephone call with the examiner on December 10, 2001 the examiner indicated that his notes may be mistaken and that he would indeed evaluate claims 1-19 as now requested.

Respectfully submitted,

DYKEMA GOSSETT PLLC

A handwritten signature in black ink, appearing to read 'Richard H. Tushin', written over a horizontal line.

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